

## THIRD DAY.

Senate Chamber,  
Austin, Tex., Thursday, Jan. 10, 1901.  
Senate met pursuant to adjournment.  
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

## Present—28.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

## Absent—3.

Davidson of	Dibrell.
Galveston.	Odell.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Savage, the same was dispensed with.

## RESOLUTIONS.

Senator Wayland offered the following resolution:

Whereas, It required six or seven general pages to serve the Twenty-sixth Senate, and

Whereas, By resolution adopted on Tuesday, five pages only were provided for, and by resolution adopted on yesterday one special page to serve the Secretary of the Senate; therefore, be it

Resolved, That the President of the Senate be and he is hereby authorized and instructed to appoint James Elliott Doyle, of Limestone county, as additional page, and he shall receive the same compensation as the other pages.

By Senator Paulus:

Substitute the resolution as follows:

Whereas, it is evident that at least two more pages are required to perform the necessary duties in that line in the Senate,

Resolved, That James Elliott Doyle and Arnim Quebedeaux are hereby appointed as pages and that they receive for their services the sum of \$2.00 per day each.

Senator Wayland accepted the substitute, and the same was adopted.

Senator Yett offered the following amendment:

"Amend the resolution as substituted by adding the name of 'Rosser Jackson, of Travis county.'"

Adopted.

Pending action on the adoption of the substitute resolution as amended,

Senator Grinnan moved to lay the resolution on the table.

Lost by the following vote:

## Yeas—7.

Grinnan.	Potter.
Harris of Hunt.	Stafford.
James.	Wheeler.
McGee.	

## Nays—21.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Savage.
Goss.	Sebastian.
Hanger.	Staples.
Harris of Bexar.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wilson.
Neal.	Yett.

## Absent.

Davidson of	Dibrell.
Galveston.	Odell.

The resolution as substituted and amended was then adopted.

Senator Johnson called up from the table his resolution introduced on yesterday, to wit:

Resolved, That Otto D. H. Pfeuffer be retained as the private secretary to Lieutenant-Governor Browning, and that he shall receive as compensation for such services the sum of five dollars per day.

By Senator Yett:

Substitute the resolution as follows:

"Resolved, That the President of the Senate is hereby empowered to appoint a special clerk to act as his private secretary, said clerk to receive \$5.00 per day."

Senator Johnson accepted the substitute, and the same was adopted.

By Senator McGee:

"Amend by adding: 'And to be appointed from the number already elected.'"

Senator Johnson moved to table the amendment:

Tabled by the following vote:

Yeas—18.

Davidson of	Neal.
Galveston.	Paulus.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
Johnson.	Wayland.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Nays—11.

Beaty.	Patterson.
Davidson of	Potter.
DeWitt.	Savage.
Grinnan.	Sebastian.
James.	Turney.
McGee.	Wheeler.

Absent.

Dibrell.	Odell.
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The substituted resolution was then adopted.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, January 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Rules beg leave to submit the following report:

We recommend that the rules of order and procedure of the Senate of the Twenty-sixth Legislature be adopted as the rules of order and procedure of this Senate, together with the following amendments:

First.—Amend Rule 32 so as to hereafter read as follows:

Rule 32. It shall be in order at the third reading of a bill to move its reference to a committee and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

Second.—Amend Rule 41 so as to hereafter read as follows:

Rule 41. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only effect the matter to which it is directed, and a

motion to table an amendment shall never have the effect of tabling the entire measure.

Third.—Amend Rule 44 so as to hereafter read as follows:

Rule 44. Any member shall have the privilege to have spread upon the Journals of the Senate his reason for any vote that he may cast.

Fourth.—Rule 69 shall be so amended as to add thereto another committee to be numbered 33, as follows:

33. A committee on Apportionment.

Fifth.—Amend Rule 85 so as to hereafter read as follows:

Rule 85. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journals of the Senate and the Secretary shall report the same to the Governor.

Sixth.—Amend Rule 89 so as to hereafter read as follows:

Rule 89. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate, and joint rules of order of both branches of the Legislature, according to parliamentary practice, as laid down by modern approved authors, subject to appeal to the entire Senate as in other cases.

And your committee further recommends that all of the said amendments herein suggested be printed in the Journals of the Senate.

Respectfully submitted,  
POTTER, Chairman.

The report was read and adopted.

#### STANDING COMMITTEES, APPOINTMENT OF.

##### JUDICIARY NO. 1.

Stafford, Chairman; Hanger, Potter, Davidson of Galveston, Wheeler, Grinnan, Staples, Dibrell, Harris of Bexar.

##### JUDICIARY NO. 2.

Turney, Chairman; Miller, Turner, Swann, Beaty, McGee, Sebastian, Lipscomb, Goss.

#### CONSTITUTIONAL AMENDMENTS.

Davidson of DeWitt, Chairman; Goss, Dibrell, Hanger, Wilson, Stafford, Grinnan, Turney, Patterson.

#### EDUCATIONAL AFFAIRS.

Paulus, Chairman; Harris of Hunt, Turney, Lloyd, Staples, Potter, Johnson, Harris of Bexar, Goss.

## INTERNAL IMPROVEMENTS.

Potter, Chairman; Grinnan, Odell, Beaty, Neal, Davidson of Galveston, Patterson, Wilson, Stafford.

## FINANCE.

Dibrell, Chairman; Wilson, Yett, Savage, Wayland, James, Harris of Hunt, McGee, Turney.

## PUBLIC LANDS AND LAND OFFICE.

Sebastian, Chairman; Harris of Bexar, Goss, Neal, Turney, Wheeler, Turner, Lipscomb, Potter.

## STATE PENITENTIARIES.

Neal, Chairman; Lipscomb, Lloyd, Davidson of DeWitt, Miller, Swann, Wilson, Paulus, Dibrell.

## PUBLIC HEALTH.

Lloyd, Chairman; Turner, Swann, Turney, Harris of Hunt, Patterson, Yett.

## MILITARY AFFAIRS.

Harris of Bexar, Chairman; Davidson of Galveston, Lipscomb, Johnson, Savage, Beaty, Hanger.

## STATE AFFAIRS.

Odell, Chairman; Sebastian, Patterson, Grinnan, Wheeler, Miller, Savage, Hanger, Johnson.

## COMMERCE AND MANUFACTURE.

Patterson, Chairman; McGee, Davidson of Galveston, Miller, Harris of Hunt, Paulus, Staples, Swann, Wayland.

## ROADS, BRIDGES AND FERRIES.

Miller, Chairman; Yett, Davidson of DeWitt, Beaty, Johnson, Lloyd, Odell.

## PUBLIC DEBT, CLAIMS AND ACCOUNTS.

Wayland, Chairman; Dibrell, Neal, Turner, Savage.

## CONTINGENT EXPENSES.

Savage, Chairman; Wayland, Harris of Hunt, James, McGee.

## FEDERAL RELATIONS.

Turner, Chairman; Harris of Bexar, Beaty, Lipscomb, Stafford, Sebastian, Grinnan.

## COUNTIES AND COUNTY BOUNDARIES.

Lipscomb, Chairman; Staples, Paulus, Wheeler, Davidson of Galveston, Patterson, Yett, Savage, Neal.

## PUBLIC PRINTING.

Harris of Hunt, Chairman; Swann, Staples, Potter, Lloyd.

## JUDICIAL DISTRICTS.

Hanger, Chairman; Grinnan, McGee, Swann, Lipscomb, Odell, James, Turner, Davidson of DeWitt.

## STATE ASYLUMS.

Yett, Chairman; Lloyd, Harris of Bexar, Sebastian, Johnson, Wayland, Wheeler, Neal, Stafford.

## STOCK AND STOCK-RAISING.

Goss, Chairman; Turner, James, Patterson, Sebastian, Potter, Turney.

## AGRICULTURAL AFFAIRS.

Swann, Chairman; Paulus, Savage, Odell, James, Johnson, Wayland.

## TREASURER'S AND COMPTROLLER'S DEPARTMENTS.

Johnson, Chairman; Dibrell, James, McGee, Paulus.

## PRIVILEGES AND ELECTIONS.

Wheeler, Chairman; Beaty, Stafford, Goss, Yett, Neal, Sebastian.

## PUBLIC BUILDINGS AND GROUNDS.

James, Chairman; Odell, Wilson, Savage, Davidson of DeWitt, Miller, Davidson of Galveston.

## RULES.

Potter, Chairman; Turney, Miller, Goss, Hanger.

## ENGROSSED BILLS.

Beaty, Chairman; Staples, James.

## ENROLLED BILLS.

Wilson, Chairman; Wheeler, Hanger, Lloyd, Grinnan.

## INSURANCE, STATISTICS AND HISTORY.

McGee, Chairman; Patterson, Sebastian, Paulus, Turner, Yett, Stafford.

## TOWNS AND CITY CORPORATIONS.

Davidson of Galveston, Chairman; Neal, Wayland, Harris of Bexar, Patterson, Lipscomb, Swann, Davidson of DeWitt, Miller.

## MINING AND IRRIGATION.

Grinnan, Chairman; Savage, Yett, Goss, Beaty.

## LABOR.

Staples, Chairman; Johnson, Wheeler, Dibrell, Potter, Harris of Hunt, Odell.

## APPORTIONMENT.

Harris of Bexar, Chairman; Davidson of DeWitt, Wilson, Wheeler, Hanger, Dibrell, Beaty, Harris of Hunt, Turney.

## HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives.  
Austin, Tex., January 10, 1901.

*To Hon. J. N. Browning, President of the Senate.*

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has organized by the election of the following officers:

R. E. Prince, Speaker.  
Lee J. Rountree, Chief Clerk.  
Tip Jones, Sergeant-at-Arms.  
Thos. A. Hall, Assistant Sergeant-at-Arms.  
Mark Logan, Reading Clerk.  
J. J. Henderson, Assistant Reading Clerk.  
Marshall Burney, Journal Clerk.  
J. L. Robinson, Assistant Journal Clerk.  
Bruce Thomas, Calendar Clerk.  
J. E. McFarland, Engrossing Clerk.  
S. P. Wiesiger, Enrolling Clerk.  
J. R. Dunlap, Doorkeeper.  
Milton Brown, Assistant Doorkeeper.  
Mrs. S. M. Franklin, Postmaster.  
Mrs. J. A. Noble, Assistant Postmaster.  
Rev. J. W. Gatlin, Chaplain.

The following committees have been appointed:

To notify the Governor of the organization of the House—Henderson of Lamar, Hendricks, Tharp.

To notify the Senate—Bridgers, Garner, Craddock.

Respectfully,

LEE J. ROUNTREE,  
Chief Clerk House of Representatives.

A committee from the House appeared at the bar of the Senate, and announced the House duly organized and ready for business.

## SPECIAL COMMITTEES APPOINTED.

Senator Swann moved that two committees of three members each be appointed, one to notify the House and the

other the Governor that the Senate was organized and ready for business.

Carried, and the Chair appointed the following:

Committee to notify the Governor—Senators Sebastian, Beaty and Lipscomb.

Committee to notify House—Senators Swann, Wilson and Grinnan.

## RESOLUTION.

Senator Wayland offered the following resolution:

Resolved, That the rooms set aside by the Twenty-sixth Senate for the use of the different committees be now set aside to the same committees until otherwise ordered.

The resolution was read, and on request of Senator Wayland was laid on the table subject to call.

## COMMITTEE REPORTS.

Senator Swann, on part of committee appointed to notify the House of the Senate's readiness to proceed to business, reported that said duty had been performed.

Senator Sebastian, on part of committee appointed to notify the Governor of the Senate's readiness for business, reported their duty performed.

## EXCUSED.

On motion of Senator Patterson, Senator Dibrell was excused indefinitely on account of sickness in his family.

(Senator Sebastian in the chair.)

## MESSAGE OF THE GOVERNOR.

*To the Senate and House of Representatives:*

It is indeed gratifying that you have convened under circumstances so auspicious.

Excepting not more than fifteen of the two hundred and forty-three counties—organized and unorganized—into which the State is divided, prosperity prevails in them all to an extent not exceeded in any year of their history.

Abundant crops, with a remunerative market, have well rewarded the husbandman, and never before has the demand for labor—skilled and unskilled—been so great and universal, or the compensation of wage earners more satisfactory.

The cattle and sheep industries are prosperous; railway construction has been actively renewed and manufacturing enterprises of many kinds are being inaugurated.

Money has become more plentiful,

and its circulation more general, resulting in a marked decline of the interest rate.

A desirable immigration is being attracted in large numbers, through the healthfulness of our climate, the fertility and freshness of our lands and the many opportunities that here await industry, economy and thrift.

The resources of the State, in all their variety, wealth and abundance, are unknown even to ourselves; but with the continuance of present conditions, though for a few years only, and with a prudent and conservative administration of the public affairs, such development may be safely anticipated as will not disappoint the most sanguine expectations.

With the construction of the Isthmian Canal, nothing except inexcusable folly in matters of government will prevent this commonwealth taking within the next two decades the foremost place among the States of the American Union.

It will also be gratifying to know that the administration of the State government has, during the past two years, given to the people the best service possible, and it is confidently believed that a thorough and searching inquiry into the several branches of the executive department will show them to have been carefully, economically and efficiently conducted.

A rigid and unsparing examination into the manner in which every official, charged with executive functions, has performed the duties imposed upon him by law is most earnestly insisted upon—to the end that the people may be accurately informed as to how their governmental affairs have been managed.

Information by the Executive, as to the operations of the State government, and also as to its existing condition, accompanied by such recommendations as may be deemed advisable, being a constitutional requirement, the following is, therefore, submitted for the consideration of the Legislature:

#### THE GENERAL REVENUE.

In his message of January 12, 1899, my immediate predecessor reported a cash balance of \$638,534.52 in the treasury on the 10th day of that month, to the credit of the general revenue, after deducting an estimated deficit made necessary through insufficient appropriations. Today, January 8th, 1901, there is in the treasury a cash balance to the credit of the same fund amounting to \$1,015,174.52. Taking there-

from the sum of \$54,138.14, estimated by the Comptroller as a deficiency for the two years ending February 28, 1901, in consequence of a failure to make needed appropriations, and yet to be provided for, and there remains an actual cash balance of \$961,036.38 to the credit of the general revenue; and this, notwithstanding appropriations for greatly needed permanent improvements and increased facilities at the several educational and eleemosynary institutions, for Confederate pensions, for the settlement of the indebtedness of the State to the permanent school fund, and for the return to the Federal government of \$45,125.56 which had been improperly paid to the State, all of which aggregate the sum of \$708,806.26.

It should be borne in mind, in this connection, that the only receipts, except about \$20,000, to this fund for the past two years have been through taxation and fees, and that for the year beginning September 1, 1900, and thereafter, the ad valorem tax rate will be sixteen and two-thirds cents on the one hundred dollars, instead of twenty cents, as prior thereto.

The comptroller estimates that the receipts to accrue to the account of the general revenue under existing laws during the two years ending August 31, 1902, will reach the sum of \$4,995,000, and that the cash balance for that date will be \$1,044,421.04—provided, that the sum total of all appropriations and liabilities (including the expense incident to a session of the Legislature) for the two years ending February 28, 1903, does not exceed \$5,110,166.50, the sum total of the expenditures for the fiscal years 1899 and 1900.

In view of the fact that the amount of revenue to accrue during the time stated is only an estimate, and is in a great measure dependent upon the assessment and collection of taxes, as well as on property values, it is submitted that the aggregate of all appropriations, and also of all liabilities of whatever character that may be incurred in consequence of further legislation, for the two years named, should not in any event be more than \$5,250,000, and this to include the cost of a legislative session. To appropriate or legislate beyond this amount, without an increase of taxation, would be hazardous to the credit of the State, and would almost certainly send its warrants to discount.

A cash balance does not necessarily imply a surplus, and it should be borne well in mind that the receipts to the general revenue during January, February and March exceeded by more than

one-half all that accrues to that fund during the entire fiscal year, and that those for June, July, August, September and October are not, by one-half, equal to the ordinary and usual expenditures of the government during the same months; and further, that at no time should there be in the treasury and to the credit of the general revenue less than three hundred and fifty thousand dollars for a working balance. With the data herein given no difficulty should arise in determining the limit to which the sum total of all appropriations and liabilities can safely go without danger to the ability of the government to promptly meet every demand.

These suggestions are pertinent and perhaps necessary, because of the general belief that the State has now a redundant treasury. Such is not the case. The finances, however, are in good condition, and can be easily so maintained if proper economy be observed.

The aggregate of the estimates by the several departments and branches of the public service appears to be unduly large and much beyond the probable receipts under the revenue producing laws now in force, and it is recommended, with emphasis that they be carefully examined and that appropriations be made for such purposes only as are essential to an efficient administration economically conducted, and within the limit designated.

#### THE PERMANENT FREE SCHOOL FUND.

On September 1, 1898, there belonged to this fund 19,720,389 acres of land. Since then this acreage has been increased through cancellation of sales and forfeiture of purchases by 1,066,835 acres. Under the acts of April 26, 1899, and February 23, 1900, it received an additional increase of 5,879,176 acres. So that, after deducting 6,052,873 acres sold during the previous two years, there remained, on September 1, 1900, to the permanent school fund a balance of 20,613,527 acres. The number of acres stated may not prove absolutely accurate upon actual survey, but it is sufficiently so for all practical purposes.

The fund has been very materially impaired through the legislation of recent years. According to the report of the Commissioner of the General Land Office of September 3, 1898, sales, made under laws previously enacted, and amounting to 9,460,830 acres of school land, had been forfeited. The much larger portion of this land had been sold at two and three dollars per acre, and the deferred payments bore from five to

eight and ten per cent. interest per annum on time from ten to thirty years.

Under the Act of April 4, 1895, the price of grazing land was reduced to one dollar per acre, and provision was made that upon the certificates of the commissioners courts lands previously classed as agricultural might be classed as grazing, if the former classification was erroneous. Sales were authorized to be made upon a credit of forty years at three per cent. interest per annum, upon the payment of one-fortieth of the purchase price at the reduced valuation. Under this act no trouble whatever was experienced in securing the reclassification of nearly all the land from agricultural to grazing.

The Twenty-fifth Legislature (May 7, 1897) amended the Act of 1895, reducing the price of agricultural land from two dollars to one and one-half dollars per acre.

The acts mentioned, also, invited forfeitures by giving a preference right of ninety days to purchasers prior to 1895 to rebuy the tracts forfeited at the reduced price over all other applicants. Much of this land is situated in the most fertile western and Panhandle counties, and is now easily worth from two to five dollars per acre.

All of it has since been resold with great expense to the State, under the Act of 1895 as amended in 1897, at from one dollar to one and one-half dollars per acre, upon the payment of one-fortieth of the purchase price in cash and the remainder on forty years' time at three per cent. interest per annum, resulting in a direct loss to the permanent school fund of several millions of dollars.

It is easy to perceive that in these laws greater regard must have been had for the interest of purchasers and settlers than for the school fund.

Mention of the circumstance is made, not only for the purpose of general information, but also to insist that all future legislation affecting the permanent school fund shall be exclusively for its benefit.

The State is face to face with the problem of maintaining an efficient system of public free schools for its rapidly increasing population for the term required by the Constitution, and the proposition is now and will continue to be whether this important work can be accomplished without increasing the tax rate.

It must be clear to everyone that additional taxation can be prevented only through an intelligent and watchful administration of the fund.

In addition to the lands, the permanent school fund, on December 1, 1900, owned and held \$21,747,224.71 in cash and in State, county, city and railway bonds and land notes. The aggregate of such holdings, on December 1, 1898, was \$15,897,578.24. It will, therefore, be seen that there has been a net gain in land to the fund, during the two years named, of 893,138 acres, and in money, bonds and notes of \$5,849,646.47.

In the bonds counted are not included those of the Houston & Texas Central, the Galveston, Harrisburg & San Antonio, and the Washington County Railways, which aggregate \$891,455.46, and are in litigation, and afford no revenue.

The bonds—State, county and municipal—purchased for the fund between January 13, 1899, and December 26, 1900, amount to \$2,703,571.05, and there was on the latter date \$940,895.60 in the treasury for investment which, it is believed, will be very shortly accomplished.

#### THE AVAILABLE SCHOOL FUND.

This fund, now consisting of land rentals, interest on bonds and notes belonging to the permanent fund and receipts through taxation, for the two years ending August 31, 1898, amounted to \$6,126,830.78. In this amount, however, is included \$334,078.22 of the principal of the permanent fund, and also \$120,006.50 receipts from the sale of timber growing on lands belonging to it.

For the two years ending August 31, 1900, the available school fund aggregated \$6,495,596.75, being an increase of the latter two, over the former two years, of \$368,765.97, notwithstanding the fact that no portion of the principal of the permanent fund was, during that period, applied to the available fund, and also, none of the receipts accruing after May 16, 1899, from the sale of timber.

Believing that, under the common law, growing timber is a part of the realty on which it stands, and there appearing nothing in the organic or statutory law to the contrary, all receipts arising since May 16, 1899, from the sale of timber growing on the lands belonging to the permanent fund have been deposited to the credit of that fund, and not to that of the available fund as under previous administrations—the amount so deposited between May 16, 1899, and September 1, 1900, being \$400,774.32. In this connection it may be stated that 10,728, 630 acres of land belonging to the permanent fund were under lease on September 1, 1898, as against 14,953,951 acres on September 1, 1900,—an increase

of 4,225,321 acres within two years in revenue producing land.

Receipts from this latter source to the available school fund amounted to \$555,966.96 for the two years ending August 31, 1898, as against \$830,097.19 for the two years ending August 31, 1900, being an increase to the available fund, during the latter period, of \$274,130.23. The condition of this fund was such, at the beginning of the present fiscal year, as to justify, in the opinion of the Board of Education, an apportionment of \$3,464,863.75 on a basis of \$4.75 per capita for all children within the scholastic age in the State. This sum, it is thought, will insure the maintenance of the public free schools for an average period of six months, which conforms to the constitutional requirement.

The apportionment for the last scholastic year was disbursed by the State Treasurer during the year, and the public free schools were, therefore, put upon a cash basis. They should never be otherwise. It is worthy of note that the allotment for the present scholastic year is \$462,043.25 greater than for the last.

#### THE COMPTROLLER'S DEPARTMENT.

The report of the Comptroller is interesting and exhaustive, and is well entitled to and should receive careful and thoughtful attention, as it is principally in the operation of this department that a knowledge of our fiscal affairs can be acquired.

The favorable consideration of the Legislature is invited to the recommendation of the Comptroller, respecting a change in the appropriation year, so that it may accord with that of the fiscal, both to begin on September 1 of each year and to end with the following August. The reasons urged in his report for the legislation are sound and convincing. Should the Legislature concur in his views, it ought to be also provided that all receiving and disbursing officers of the State, in every branch of the public service, shall close their accounts at the end of the fiscal year, and that all officials shall immediately thereafter make the reports required of them by law. With such legislation as recommended, the machinery of government would be much simplified, and there would no longer occur, as uniformly for many years past, a biennial intermission of appropriations, rarely shorter than three months, during which time the State government would be conducted upon a credit, without sanction of law, though with an abundance in the treasury and the Legislature in session. Why, the

present system, incongruous and altogether unsatisfactory, should be maintained it is difficult to conceive.

From the report of the Comptroller it would seem that the counties are without authority to fund their bonded indebtedness incurred since 1895, notwithstanding the optional period for redemption may have been reached. Quite a large portion of such character of indebtedness bears a rate of interest much higher than that now prevailing, and the counties should be in a position to reduce the interest charge when practicable. It is, therefore, recommended that authority be given them to refund, whenever profitable to do so, all interest bearing indebtedness that may have been contracted prior to January, 1901.

It is but just that it should be said of the Comptroller—Mr. Finley—that he retires from office, after having served the State in that important and responsible capacity, honestly, faithfully and ably for six years, and carries with him into private life the confidence and esteem of all his associates.

#### THE TREASURY DEPARTMENT.

In referring to the report of the Treasurer, it will be interesting to note the rapid and heavy growth of the business devolving upon this department.

This can be best shown in the excess of work done for the year ending August 31, 1900, over that for the year ending August 31, 1888.

In the number of land accounts in good standing, sales and leases, the excess was 14,331; in amount of remittances for interest and lease, \$238,370.38, and in number of receipts given for same, 39,418; of letters written, 9,395, and of those received, 23,134; of remittances, 17,209, and of warrants paid, 16,125.

The increase in the clerical force during the period stated has been only four persons.

The space occupied by this department is entirely inadequate. Another and adjoining room should be allowed; also, a rearrangement of the main business office, which could be done at a very small expense; also, two additional clerks, so that the Treasurer may be able to comply with the requirement of Article 2858, Revised Statutes, which is mandatory upon him to keep an account for all appropriations made by law, so that they and the applications in pursuance thereof may clearly and distinct-

ly appear. This statute was enacted in 1846, and was carefully observed, I am advised, until 1860; since then, it has been ignored.

As the Comptroller not only audits and allows the account, but also draws his warrant therefor, it is important that the Treasurer should be able, from his own books, to ascertain, before paying the same, that the appropriation against which the warrant is drawn, has not been exhausted, and that enough of it remains unexpended to meet the requisition. There is not a banking institution in the country, it is entirely safe to say, whose practice is as now obtains in the State treasury, and that, too, in open disregard of existing law.

It is not a sufficient answer that, though the statute has been thus ignored and for so long a time, no appropriation is known to have been overdrawn. This may be altogether true, but it has been only because the Comptrollers have been careful and honest, and not because the Treasurers have, for forty years, held check upon them, as is specifically and directly provided in the article quoted.

And, further, there should be legislation making it the duty of the Treasurer to keep an account with all State, county and city bonds of which he may be the custodian for the several funds in the manner now kept by the Comptroller.

#### THE GENERAL LAND OFFICE.

By the Act of February 23, 1900, all of the unappropriated public domain of whatever character, including all lands thereafter recovered for the State (except those embraced in the lakes, bays and islands along the Gulf of Mexico,—1,722,880 acres) was set apart and granted to the permanent school fund. It may, therefore, be fairly assumed that with a proper administration (such as now exists) of the General Land Office there will be, within a few years, no business for that office except to preserve the files and records and to furnish copies when called for, and to transact matters appertaining to the lands belonging to the permanent school fund. Of the lands granted to the several eleemosynary institutions, only 9,803 acres remain unsold. Those granted to the University are under the control of its Regents.

The immediate attention of the Legislature is urgently asked to the condition of the mineral lands, all of which belong to the permanent school fund, and it is earnestly recommended that prompt



action be taken so that they may be made to realize to the fund somewhat of their true value when sold. Several millions of acres of such lands are now classified as grazing lands, and many of them have been sold at one dollar per acre.

The permanent school fund is a sacred trust, and the duty is plain and pressing to promptly provide against the alienation of this valuable heritage at so ruinous a cost to that fund. Needless delay in this matter can not and will not be excused. The criticism by the Commissioner of our mining laws is just and timely, and should be heeded.

Provision should be made to insure the certain payment of all rentals from corporations leasing lands. The policy of permitting such holdings by them is questionable, and, if to be continued, the permanent school fund should be carefully protected against loss.

The Commissioner calls attention to the Spanish department of the office. This service was established in 1835, and has cost the State \$68,400, notwithstanding the work could have been, in the opinion of the Commissioner, fully completed by one person within six years. His suggestions upon the subject are recommended to the favorable consideration of the Legislature.

Under the authority conferred by the Act of May 10, 1899, two agents were appointed to take the field and to ascertain and report all illegal occupancies of the public lands. Their work has been attended with much success. Upon reports furnished by them the Attorney General and the Commissioner have collected and paid into the treasury \$55,455.79. A large number of such reports are yet under consideration and awaiting action.

The activity of these agents has also had the direct effect of forcing the purchase or lease of lands by those who desired to occupy them rather than to incur the penalty for unlawful use. Their continuance is of vital importance to the permanent school fund.

#### THE ATTORNEY GENERAL'S OFFICE.

The amount, character and variety of the duties imposed upon the Attorney General and his assistants during the past two years has not been and could not be presented without making his report unduly large and cumbersome.

The work of the office is rapidly increasing year by year, and there is an

evident necessity for its reorganization upon a broader basis, so that it may more easily and satisfactorily meet the demands that daily press upon it.

In addition to his civil business, the Attorney General should be in close touch with the criminal prosecutions as they are conducted in the trial courts, and should be able to lend direct assistance whenever needed in the more important cases without impairing the efficiency of his office in other respects.

Nothing is so conducive to the preservation of peace and the maintenance of order as the prompt, impartial and effective enforcement of the criminal law. The present system of procedure does not and can not successfully meet the requirement of a rapidly and largely increasing population.

The amount paid into the treasury through this department was \$51,609.35; that of bonds requiring and receiving approval, after careful examination, \$8,927,344.

Under the policy that was inaugurated early by the present administration of enforcing the payment of moneys due for the illegal occupancy of the school lands, the entire attention of one of the assistants has been required.

The recommendations of the Attorney General in regard to corporations and the anti-trust laws are of much importance.

#### THE RAILWAY COMMISSION.

The report of the Commission for the past year is replete with data and suggestions that should receive the most careful consideration.

It contains a review of the operations of the Commission since its establishment—ten years ago—and gives the information that for the year ending June 30, 1900, the railroads of the State performed a service equal to hauling 3,622,669,413 tons of freight one mile—an increase of 1,851,170,834 tons over a like haul for the year ending June 30, 1891.

We are also informed that the freight revenue to the roads for the year ending June 30, 1900, amounted to \$34,492,371.06, which sum is less by \$16,333,680.90 than what the amount would have been had the freight rates of 1891 continued to prevail. Notwithstanding this very large reduction in charges the net profits to the roads from their operation during the year ending June 30, 1900, amounted to 3.13 per cent. upon the face value of the stock and bonds issued by them and outstanding.

Texas stands second among the States in the matter of railway mileage. Four hundred and five and eleven one-hun-

dredths miles were built during the two years ending June 30, 1900. Since then 313 additional miles have been put under actual construction, and will very shortly be in active operation, 139 miles of which being already completed and in use.

#### THE ADJUTANT GENERAL'S DEPARTMENT.

Prior to the Spanish-American war, the Volunteer Guard was in excellent condition, but in consequence of the demands upon it by the Federal Government, on account of the war, it became so depleted and disorganized that at the beginning of the present administration there were but three batteries of artillery, three companies of white infantry, and a battalion of colored infantry.

The Adjutant General was ordered to proceed as rapidly as practicable with its reorganization, and the Guard now consists of one signal corps (four sections), one squadron (four troops) of cavalry, one battalion (three batteries) of artillery, four regiments (forty-six companies) of white infantry, one battalion (four companies) of colored infantry, and four bands.

Its effectiveness is increasing, and it will soon compare favorably with that of any other State.

Upon several important occasions companies of the Guard have responded with alacrity and rendered good and substantial service, and it is due them that their service should be recognized.

*The Rangers.*—This body of men can not be too highly commended for the manner in which they have discharged the many dangerous and delicate duties incident to their employment. They have been used only where necessary to repress lawlessness, to detect crime, and to arrest and bring to trial the more serious classes of offenders. Their services in this respect have been invaluable, and may be regarded as an absolute necessity to the State.

Failure to provide properly for the continuance of this force would involve the assumption of a responsibility which no one at all acquainted with prevailing conditions should care to assume.

It is earnestly recommended that the men be invested with such powers of arrest and detention as are conferred upon the officers.

The report of the Adjutant General is interesting, and is well worth the attention of the Legislature.

This officer has been required to perform many important duties, all of which were discharged in the most creditable manner.

Inasmuch as the audit and payment

of claims growing out of the enlistment and mobilization of the volunteers for the Spanish-American war, was imposed upon the Governor and the Adjutant General, it became necessary that the latter should go to Washington and confer with the Treasury Department as to their final allowance by the Federal government, which was made a prerequisite to their payment by the State. Very satisfactory progress has been made toward their adjustment, and it is expected that the claims can be shortly paid, and that reimbursement by the general government to the State will immediately follow.

Much time and labor has been required in order to secure a proper statement and verification of the accounts presented.

#### DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS, AND HISTORY.

The report of the Commissioner for this department is made in April of each year.

Therefore, only that for 1899, which relates almost exclusively to matters of insurance, can now be considered.

The feature of agriculture has been altogether abandoned, and those of statistics and history occupy but small space.

This is due to the lack of the necessary funds with which to do such work, and not to the negligence or disinclination of the Commissioner and his subordinates.

The report, nevertheless, is interesting in its information as to the operation of insurance companies within the State.

The receipts to the treasury through this department have been steadily growing, year by year—from \$79,285.73 in 1896 to \$120,324.97 in 1899—the expense for its maintenance for the latter year being \$9,175.44, which was somewhat less than for 1896.

#### STATE HEALTH DEPARTMENT.

During the past two years the business of this office has largely increased, principally because of the prevalence of smallpox, generally in a mild and easily treated form, in many parts of the State.

Difficulties, sometimes of a serious nature, have arisen in the effort to suppress the disease and prevent its extension. The law on this subject is defective, and should be so amended as to make it imperative upon the commissioners court of every county to promptly take cognizance of the existence of all contagious and infectious diseases within its limits, and to immediately adopt and vigorously enforce such measures as

will lead to their eradication and confinement to the infected district.

All necessary authority should be conferred on the court, and penalties sufficient to secure the certain enforcement of the law should be imposed upon the parties charged with such duties for failing to promptly and effectively execute its provisions. The want of such a law has been seriously felt in quite a number of instances.

Except as to the disease mentioned, the public health has generally been good. Only such regulations affecting commerce and travel have been adopted, as were believed essentially necessary to the safety of the people, and the restrictions imposed have uniformly been relaxed when the need for them ceased to exist.

In consequence of the storm of September last, the quarantine establishment at Galveston suffered severely; otherwise, the service is in good condition.

The State Health Officer—assisted by his subordinates—has been vigilant in the discharge of his duties, and has omitted no effort to provide complete security, so far as was possible, to the people against all diseases of a contagious or an infectious character.

#### THE PUBLIC BUILDINGS AND GROUNDS.

The report of the Superintendent is submitted in the confidence that his work will have the hearty commendation of the Legislature.

The present condition of the capitol and grounds, with the limited means at his command, attest much more strongly than can words his faithfulness and good judgment.

#### THE STATE REVENUE AGENT.

In the report from this office is to be found valuable information respecting the tax on occupations.

The entire receipts to the treasury from this character of taxation for the two years ending April 30, 1900, amounted to \$2,224,581.24 as against \$2,070,541.05 for the like period ending April 30, 1898—an increase of \$154,040.19.

Of the larger sum \$1,335,600—an increase of \$80,950 over the two preceding years—were paid by liquor dealers.

It appears from this report that, for the year ending June 30, 1900, the number of dealers in spirituous liquors who paid a State and county tax was 1964 as against 3088 who paid the United States tax, or, in other words, that 1124 liquor dealers respected and obeyed the Federal

statute, but disregarded and violated that of the State.

During the same period 1748 dealers in malt liquors paid the State and county tax as against 2488 who paid the United States tax, a difference of 740 in favor of the Federal government. It will, therefore, be seen that there was a clear loss to the State, for the year ending June 30, 1900, of \$337,200, and to the counties of \$168,600, in the sale of spirituous liquors, and of \$37,000 to the State and \$18,500 to the counties in the sale of malt liquors.

It may well be asked why of the two statutes—Federal and State—the former is more carefully obeyed than the latter.

Through the effort of this office \$6,375 have been collected since July last from foreign and domestic corporations failing to pay the franchise tax.

Upon examination 555 foreign and 1810 domestic corporations were found to be delinquent—many of them for years. The law as to the tax should be so amended as to better secure its prompt and certain payment.

The services of the agent have been frequently utilized, during the past two years, for the purposes of examination and inspection and in this respect also, have been of much value.

#### THE STATE PURCHASING AGENT.

By the Act of April 19, 1899, the office of Purchasing Agent for all the eleemosynary institutions was created.

Prior to that date each of these institutions bought for itself, and all purchases of current supplies were practically confined to the localities where established. In addition to this, the supplies not called for in the contracts, or in excess of them, were bought in the open market and in a private manner.

The result was inevitable—limitation as to the number of bidders, increased cost of supplies, and sometimes the most scandalous gossip as to the price paid and the character of goods purchased and the disreputable methods used in order to secure the custom of the institutions.

Of all the appointments pertaining to the executive branch of service, that of Steward to an asylum became, in time, the most eagerly sought after.

The direct effect of the act quoted has been to limit the amount of private purchases, to increase the number of bidders, to enlarge the territory from which the supplies are procured, to diminish the opportunities for questionable, if not corrupt, conduct, and to secure contracts, notwithstanding the advanced prices of the past two years over the former years

throughout the entire country, at more favorable rates.

As there was a lack of uniformity among the institutions, in the brands and grades purchased by them, it has been possible to draw a comparison only as to about one-tenth of the number of different articles purchased under both systems, for the purpose of ascertaining the amount of saving, if any, to the State under the present method.

In this number of purchases—one-tenth of all—there has been a saving of \$12,000. Not only this, but every opportunity has been afforded home producers and manufacturers to compete, and that too, with success.

No further legislation is needed, in order that the best results may be attained, than to make the fiscal and the appropriation years the same, and to provide larger storerooms at the different institutions.

Attention is invited to the report of the Purchasing Agent, and particularly to his suggestions regarding the use of lignite, which is both practicable and economical. The article is a home product and much nearer to the institutions than the coal mines. Its use at the Southwestern Insane Asylum has been entirely successful.

As coal is by far the most expensive of all the articles needed, the question of its supply should not be overlooked.

#### THE UNIVERSITY.

The number of students in attendance at the University on December 1, 1900, was 750—being an increase of 213 over December 1, 1898, and of 306 over December 1, 1896.

The salary roll includes eighty-one persons and calls for an expenditure of \$98,583.34.

Upon the roll are seventeen professors, three associate professors, five adjunct professors, twelve instructors and seven tutors—forty-four in all—whose salaries aggregate \$76,050.

At the medical department there are nine professors, four demonstrators and one instructor whose salaries aggregate \$31,500, and six officials and employes whose salaries amount to \$5,626.66. In addition there are six professors who receive no salary. The number of students in attendance for the year 1900-1901 is 191, as against 222 in 1899-1900. The decrease is, it is believed, because of the storm that visited Galveston and other portions of the coast in September last and which greatly injured the buildings, fixtures, apparatus, and supplies belonging to the department. The injury should be repaired and the depart-

ment restored as soon as practicable to its former condition.

It is, indeed, gratifying to observe the large number of counties represented by the students at the University and that the territory from which it draws its constantly increasing numbers is not limited to our own State.

Its steady growth is a sure indication that confidence in the ability of the institution to meet every requirement is general not only among our own people, but extends to other States as well.

In due season it will undoubtedly secure the recognition throughout the United States and in Europe that its own inherent strength of character and high ambition richly merits.

It is more gratifying still to know that it stands in the world of literature and science the representative of a true democracy and that within its studentship is embraced all classes of society.

The fact that one-third of the students support themselves with money previously earned or by labor performed while pursuing their studies reflects high honor on the students and on the University also.

#### THE AGRICULTURAL AND MECHANICAL COLLEGE.

The growth of this institution may be in part shown in the number of students in actual attendance on a given day through a series of years.

Selecting December 1, for the purpose, it appears that there were on that date in 1896—233 students; in 1897—301; in 1898—305; in 1899—340; and in 1900—339.

The number of professors, assistant professors, and instructors, on December 1, 1900, was twenty-four—the aggregate of their salaries being \$35,000.

In addition there were seven officials and employes whose salaries amount to \$11,360.

Of course, these sums do not cover the entire yearly cost of the institution to the State. All items of expenditure for maintenance and support and for student labor are to be found in the Biennial Report of the Board of Directors.

It is, indeed, satisfactory to know that there is an earnest and sincere effort on the part of all connected with the College to give distinctive prominence to agriculture and mechanics.

The institution, to be of permanent and substantial value, must necessarily be of slow growth. Being in its nature and purpose somewhat of an experimental station its office should, in a great measure, be to demonstrate what is best adapted, in the way of agricult-

ure and kindred industries, to the conditions that obtain in the State.

This involves an expense, which sometimes seems unjustifiable and fruitless. Upon reflection, however, it will appear otherwise, because it is often as profitable and necessary to know in advance what ought not to be done as to know what should be done. If by gradual and steady pace in the direction indicated, the College shall finally become a great utility in the fields of agriculture and mechanics the expense incurred in order to attain this high estate will be small, indeed, as compared with the benefits that are sure to follow.

Skilled mechanics and successful farmers—enjoying the advantages of a collegiate education—are of priceless value to any people.

#### THE PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

The pupils in actual attendance on December 1, 1900, were 246 as against 155 on the same date in 1898—an excess of 91.

The professors and assistants numbered fifteen, and their salaries amount to \$10,465.

The number of officials and employes aggregate thirty-eight, with a total yearly compensation of \$5,335.

By the storm of September last much damage was done to its buildings, and for that reason it stands in need of larger appropriations for the coming than for the last fiscal year.

The report of the Board of Directors is commended to the favorable consideration of the Legislature.

The negro is with us to remain. His is the weaker race, and in matters of legislation he is altogether dependent upon the white man.

It is to the interest of them both that the former should have every reasonable opportunity by which to improve his condition in life.

In this college young men and women are prepared to teach. The necessity for their services in the colored common free schools is great and pressing.

The uniform disposition of former Legislatures to properly provide for this institution gives assurance that it will not be overlooked or uncared for by the present.

#### THE SAM HOUSTON NORMAL INSTITUTE.

No expenditure of the public money has been attended with better and more substantial results than that for the maintenance of this institution.

The value of its contribution toward

the upbuilding of the public free schools can not be overestimated.

From its halls have gone out, year by year, young men and women imbued with a just sense of their responsibilities and with a patriotic desire to promote the education of the youth of the State.

Since its foundation—twenty years ago—6694 students have been enrolled, of whom 3799 completed the two and three years courses, and 1459 constitute the alumni.

The institution is fulfilling its mission with success and should have a generous support.

The number of students in attendance on December 1, 1900, was 428, as against 426 on the same date in 1898. Seventeen instructors are now employed at an annual cost of \$22,300. For other purposes there is a charge of \$1,100.

#### INDUSTRIAL AND NORMAL SCHOOLS.

By the Acts of March 31 and May 10, 1899, State Normal Schools were established at Denton and San Marcos, Texas, but no appropriations were made to inaugurate and maintain them.

The properties at both places have been conveyed to the State.

A very strong sentiment, in which I heartily concur, prevails among the people for the establishment of an Industrial School for girls, also.

The revenue will not bear the expense of the maintenance of an industrial and three normal schools for the next two years without an increase of taxation, or inadequate appropriations for other purposes of equal, if not greater, importance. Should the Legislature, however, determine to immediately utilize the properties at San Marcos and Denton, it is believed that one of them should be used for an industrial, and the other for a normal school.

#### THE PUBLIC FREE SCHOOLS.

*The apportionment of the available school fund.*—The scholastic census, upon which the apportionment for the available fund is made, aggregates 729,445 children, within the scholastic age, for the year 1901—an excess of 22,899 over the year 1900.

The number of teachers employed in the public free schools for the year 1899 was 14,999, of whom 5674 were white male teachers, 6175 white female teachers, 1825 colored male teachers, and 1315 colored female teachers. It is estimated that the total number for 1900 will reach nearly 16,000.

The return as to the number of children can not, however, be relied on as

a correct ascertainment of those entitled to the benefit of the free school fund.

The school enrollment is not yet obtainable for a period later than the year 1899.

In order to demonstrate, beyond all question, the entire unreliability of the scholastic census and its utter unfitness to be a basis upon which to apportion the fund, it will only be necessary to compare, through a series of years, the number of children as shown by the census with that of those actually enrolled in the schools. For 1896 the excess of the census return over the school enrollment was 102,081 children; for 1897—139,901; for 1898—149,600; and for 1899—71,887.

For the years previous to those given the disparity was equally, if not more, glaring, and it is certain that for the last two years the situation has not improved.

To particularize, one county, last year, reported an enumeration of 2606 school children, and a school attendance of 969; another, an enumeration of 2725, and a school attendance of 686; another, an enumeration of 2133, and a school attendance of 678; another, an enumeration of 3084, and a school attendance of 676, and another, an enumeration of 1652, and a school attendance of 177. These are but a few of the many instances that might be cited to illustrate the difference between the enumeration under the census and the actual school attendance, and yet the school fund is required by law to be distributed upon the basis of the former. The injustice, that has resulted, can not be overstated.

Surely, in the face of these indisputable facts the necessity for a better method of distributing the school fund must be considered as of great importance.

The census is now being taken at an annual cost of nearly \$40,000.

*School Buildings.*—Authority is given by law to cities and towns and, also, to towns and villages incorporated for school districts to incur indebtedness for the construction of school buildings, to be discharged at some future date; but none is conferred upon the country districts, where the necessity for proper house accommodations is fully as great as in the favored localities. Provision should be made by which these districts may erect such buildings otherwise than by private contribution. No satisfactory reason can be offered why the country should not be allowed the same discretion as the cities and towns.

*Pay of County Judges.*—It has been found that in some counties the power

to fix the salaries of county judges, who are ex-officio superintendents of the schools, has been much abused, and compensation has been sometimes authorized largely out of proportion to the work performed. The evil should, if possible, be corrected by law.

*Revision of the School Laws.*—Since the adoption of the Constitution in 1876, changes in the law as to the public free schools have often been made—some of them amendatory of existing law, and others altogether new. The result has been that there are to be found in the statutes affecting this most important subject provisions that may be considered as only repetitions of existing law, or as inconsistencies therewith, or as in direct contradiction thereto.

There are 190 counties under the "District System," and 34 under the "Community System." Besides these there are 254 "Independent School Districts" that are in fact cities, towns and villages organized into school districts.

Judicial construction has often been sought, and in one instance an eminent judge felt constrained to use the following language respecting the present school system: "The mere reading of the laws of this State in regard to public free schools makes it at once manifest that there is no real uniform system of public free schools in the State. It may seem strange that the State would provide for the annual expenditure of large sums of money in public free education and yet fail to provide a perfect and uniform system for the application of the money and the conduct of the schools, but such is the real condition. The local authorities are invested with the great measure of responsibility, and uniform results may not reasonably be expected while this condition exists. The creation of a uniform system throughout the State, in the judgment of the writer, would be a great and lasting benefit to the present and future generations of Texas."

The condition is not exaggerated. It calls for prompt and intelligent action. There should be a thorough revision of the law.

The report of the Superintendent of Public Instruction is both interesting and instructive. It comes from an able and experienced educator.

#### THE ELEMOSYNARY INSTITUTIONS.

*The Insane Asylums.*—On October 31, 1900, there were in the three institutions 2561 patients as against 1986 on the same date in 1898—an increase of 575. Of the number first named 764 were in

the State, 1093 in the North Texas, and 704 in the Southwestern Asylum. Within two months from this date the State Asylum will be prepared to admit 200, and the North Texas 250 additional patients.

Appropriations should be promptly made for buildings and equipments for the accommodation of two hundred more colored at the State, and for four hundred more white patients at the Southwestern Asylum.

The water supply at the latter institution is very expensive, costing from \$3,000 to \$4,000 per annum, besides being insufficient in quantity to satisfy all its needs. The institutions at Austin have been notified that their water rate would be increased in the near future by one hundred per cent. over the present charge.

Not only humanity but economy calls for the immediate enlargement of the two last named institutions. If not cared for by the State, by whom it can be done more cheaply and far better than elsewhere, many of these unfortunate people must continue in jails at the expense of the counties, and without the attention and comfort due their sad and afflicted condition.

*The Deaf and Dumb Asylum.*—In this institution there were 344 pupils in attendance on November 1, 1900, as against 278 on November 1, 1898—an increase of 66.

*The Blind Asylum.*—One hundred and seventy-two pupils were in attendance at this institution on November 1, 1900, as against 157 on the same date in 1898—an increase of 15.

*The Deaf, Dumb and Blind Institute for Colored Youths.*—In this institution there were in attendance 71 pupils on November 1, 1900, as against 89 on November 1, 1898—a decrease of 18.

*The State Orphan Home.*—There were, on September 1, 1900, at the Home 304 children, as against 312 on February 2, 1899—a decrease of 8.

The reports of the boards of managers and of the superintendents of these institutions deserve and will doubtless receive the careful consideration of the Legislature, as no higher duty can devolve upon government than to properly provide and care for the insane, the deaf and dumb, the blind and the orphan.

Prior to May 27, 1899, a custom had obtained under which the officials of these institutions were permitted to use for themselves and their families, and without limit or charge, the supplies purchased for the support and maintenance of the inmates.

This custom, in some instances, gave rise to great abuse, and it was an open secret that dinings and receptions were often given and guests entertained at the public expense.

The Twenty-sixth Legislature abolished this custom and left the officials dependent altogether upon the salaries established by law, some of which are undoubtedly too small when the character and amount of the services and responsibility imposed is taken into consideration.

It is, therefore, recommended that the salaries be so readjusted that each one may be compensated in strict proportion to the nature and extent of his duties.

These institutions have been ably, honestly and efficiently conducted during the past two years. The liberal appropriations made by the last Legislature for their enlargement and improvement have been so expended as to bring the best results possible, except in a single instance, where a further expenditure of about four hundred dollars will be required to repair a defect. This occurred at the Deaf, Dumb and Blind Institute for Colored Youths. The present condition of the institutions is worthy of all commendation, and gives earnest promise that before two years shall have expired they will be in every respect equal to the oldest and best conducted of the kind elsewhere in the United States.

Because of their increased population larger appropriations for their maintenance will be required than prior to 1899.

*Epileptic Colony.*—In compliance with the Act of February 9, 1899, Dr. B. M. Worsham, the superintendent of the State Insane Asylum, was appointed to inspect the institutions for the care of epileptics in New York, Massachusetts and Pennsylvania. He did so, and recommended the system prevailing at Sonoma, New York.

The commissioners appointed to visit the city of Abilene and to report upon the suitability of the ground to be donated by that community for the purpose recommended its acceptance. Title to the land was passed to the State, and the city of Abilene entered into contract for water privileges as contemplated by the statute.

Plans and specifications were prepared and approved, but it was apparent that the improvements could not be completed within the limit prescribed as to the entire cost, and in the amendatory Act of February 20, 1900, the limitation was removed.

Advertisements for proposals to construct the improvements, and in accord-



ance with the plans and specifications that had been adopted, were twice published, but in both instances they were rejected by the board, consisting of the Governor, Comptroller and Treasurer, because the lowest of them was largely more than double the amount that was contemplated by the Legislature for their completion.

The matter is, therefore, submitted for further consideration with the information that it is believed by competent and disinterested authority that permanent and suitable buildings, with the necessary equipments and of a sufficient capacity to properly provide and care for five hundred epileptics cannot be erected upon the ground selected at a cost less than \$500,000; and, also, that it would be more expensive by \$25,000 to construct them at the point named than at other places more in the interior of the State.

#### THE CONFEDERATE HOME.

The report for the Home shows 263 inmates on November 30, 1900.

There is no class of our people that is worthy of favorable consideration than the men whom age, disability and straitened circumstances have forced into this institution.

By far the larger number of them were private soldiers in the great war of 1861-1865, and as such did faithful and honorable service in camp, on the march and in battle—neither expecting nor receiving any reward except the consciousness of duty well performed.

#### THE PENITENTIARIES.

Notwithstanding the heavy loss to the penitentiary system, estimated by the superintendent at \$238,235.29, and occasioned by the fire at Huntsville on February 13, 1899, the overflow of the Brazos river in July of the same year, the storm of September last, and the boll weevil, there will be no necessity for any appropriations for its maintenance beyond those made for the past two years, and they are recommended.

Since February, 1899, there has been expended for lands, permanent improvements, machinery and live stock, for the use of the system, and which were necessary for its better efficiency, \$183,273.81. This exceeded the expenditure for similar purposes during the past two years ending October 31, 1898, by \$147,890.30.

Forty thousand dollars of the appropriation made by the Legislature were used in the purchase of lands, but the same has been restored to the treasury,

and is now a part of the general revenue of the State.

In his supplemental report the financial agent states the cash balance on February 11, 1899, when he assumed his official duties, to have been \$158,167.16. The cash balance for December 17, 1900, was \$54,000, with additional available assets consisting of unsold cotton, sugar, iron pipe and bills receivable and open accounts of undoubted solvency aggregating in value the further sum of \$148,444.

In this connection it may be well to observe that the present financial agent received from his predecessor \$81,467.47 in bills receivable and accounts, the much larger portion of which was past due and the accumulation of many years.

Of this amount \$32,320 was, by order of the penitentiary commissioners, charged to profit and loss as entirely worthless; \$12,000 has since been collected, and of the remainder \$37,147.47, it is believed by the agent, only \$4,336.10 can be collected—leaving a loss to the penitentiary system of \$65,131.37 from this character of assets.

Of the bills receivable and accounts contracted by the agent since the administration of his office began, \$28,762.53 were, on December 18, 1900, unpaid; of which all are, in his judgment, collectable except about \$500—the result being that there was available to the system on the date mentioned a sum total of \$32,598.63 in this kind of property.

Although the system has been and now is not only self-supporting, but also has been able, from its receipts after meeting all expenses of administration and maintenance, to add to its permanent improvements without drafting upon the treasury, it must not be inferred that the two penitentiaries have been or are now self-sustaining.

That the Legislature might be fully and accurately informed upon the subject the financial agent was directed to report as to their operations since November 1, 1892, eliminating every expenditure of a general character and for any purpose other than the maintenance of the penitentiaries themselves. From this report it is found that the Rusk Penitentiary was conducted and maintained at an actual loss of \$83,450.28 per annum for the six years ending October 31, 1898. The loss from March 1, 1899, to November 1, 1900—twenty-one months—was \$94,862.26, or an average of \$4,517.25 per month as against an average monthly loss of \$6,954.19 for the six years prior to October 31, 1898. In reaching this result all stock on hand



February 11, 1899, and thereafter sold, was credited to the administrations prior thereto and not to the present.

As to the Huntsville Penitentiary, the financial agent reports an average loss per month of \$1,623.87, or \$19,486.44 per annum from March 1, 1899, to November 1, 1900, as against a monthly loss of \$6,186.64, or \$74,239.68 per annum for the six years prior to October 31, 1898.

Both penitentiaries, the financial agent adds, are entitled to small credits for care of sick in hospital and burial of the dead that can not be definitely ascertained, as this account has not been kept separate from those of the entire system.

It is, therefore, apparent that had it not been for their outside resources the maintenance of the penitentiaries would have been, in no small degree, a burden upon the general revenue of the State.

Many improvements, it is thought, ought to be made in them both, but the conclusion has been reached that the system should acquire and improve as rapidly as may be consistent with its revenues lands upon which to employ the convicts. By this means it will, in time, be able to abandon the lease and contract policy altogether and confine the labor of all convicts not kept within the penitentiaries to farms owned exclusively by the State. To attain this end no effort should be spared. In this way only can the convict be best cared for, the interest of the State be well guarded, and the compensation with free labor reduced to a minimum.

In pursuance of this policy 5427 acres of land of exceptional fertility in Brazoria county, with a frontage of two and one-half miles on the Brazos river and fifteen miles from its mouth, and having a depth of water in its front of about twenty-five feet, has been purchased at a cost of eight dollars per acre—there being about one thousand acres of cleared land formerly in cultivation.

In addition, an option has been obtained upon an adjoining tract of 2575 acres, equally as fertile and desirable, for \$12.31 per acre. Much of this tract is well improved and is now held by the system at a rental of two dollars per acre for the cultivated portion.

The number of convicts on hand October 31, 1900, was 4109, which was less by 365 than that for October 31, 1898.

The number of pardons issued since January 13, 1899, aggregate 383, and of restorations to citizenship 415.

Considering the adverse circumstances that have so sorely tried the penitentiary system during the past two years, its

administration must be regarded as indeed creditable. Its officials have rendered faithful, honest and effective service and against them there can be no just ground for complaint.

#### THE HOUSE OF CORRECTION AND REFORMATORY.

Though the condition of this institution has been greatly improved within the past two years, it is still far from that which should be desired.

The present assistant superintendent has utilized, to the fullest extent possible, the resources at his command, and is entitled to much credit for the manner in which he has discharged his duties with the limited means provided him.

When he assumed charge on February 1, 1899, he found all the available funds entirely exhausted and the books of his predecessor in such a condition that he has been unable to make a statement of expenditures for November and December, 1898, and for January, 1899.

Everything connected with the institution was in need of repair. One hundred and fifty-three boys were present as against 183 on November 1, 1900. There are practically no mechanical industries at the institution, and the amount of land owned by it and suitable for cultivation is but 350 acres, which is entirely insufficient for the employment of the inmates. It has, therefore, been necessary to lease other lands from year to year.

The buildings are altogether inadequate for the present population, and are equally unsuitable in arrangement for the purposes for which they are being used.

There is no hospital in which to care for the sick.

The Penitentiary Commissioners, to whom has been entrusted the administration of the institution, should be authorized to expend within their discretion all receipts, except the appropriations made by the Legislature, for its betterment and enlargement. This being done, substantial improvement may be confidently anticipated.

It is worthy of remark that since February 1, 1899, there has been paid into the treasury from the Reformatory \$10,007.21 as against \$5,952.54 during the five years prior to that date.

#### THE PRACTICE OF MEDICINE.

Immediate legislation is urgently needed touching the practice of medicine and surgery in this State.

The life and health of the people is being constantly endangered through the

ignorance of many who under our laws are permitted to follow the profession. Certificates and diplomas have been openly sold for the purpose to all who would buy them, and permission to practice has been rarely withheld, however unprepared the applicant might have been to successfully pass the proper examination.

This information comes from every section of the State, and the evil has been for some time an object of severe denunciation by the press.

#### A LIBEL LAW.

A great necessity exists for legislation regulating the adjudication of judicial controversies touching matters of a libelous character.

Procedure in such cases and liability for damages rests entirely upon the common law as interpreted, from time to time, by the courts.

Heretofore it seems that the main incentive in such litigation has been the recovery of punitive damages.

The public, it is believed, is directly and deeply interested in the establishment of plain and easily understood methods by which suits of this nature should be conducted.

The press does not desire license to defame, or exemption from actual damages for a wrong done, or from punitive damages where malicious motive is shown or can be properly inferred. It only asks that, when an injury is alleged to have been done it may be afforded the opportunity to offer in mitigation of punitive damages such facts as will tend to establish innocence of intentional wrong, and also an effort, promptly and sincerely made, to correct all impressions of an injurious character that might result from the publication complained of. The demand for this legislation is reasonable. It is for the interest as well of the people as of the press that it should be conceded.

#### TAXATION.

The tables, accompanying the report of the Comptroller, supply overwhelming evidence as to the inability of the laws in force to secure a full, fair and honest rendition of property for the purpose of taxation. Certain kinds of property appear to be almost exempt from contributing to the support of the government, notwithstanding the constitutional declaration that all property, whether owned by natural persons, or corporations, other than municipal, shall be taxed in proportion to its value. This is the language of the Constitution, and is so plain and direct that there can be

no misunderstanding whatever as to its intent. It is made the duty of the law-making branch of the government to carry this requirement into effect by appropriate legislation. The responsibility cannot be honorably avoided, and can only be fully discharged by providing, in such a manner as to be effective, not only for the levy of the taxes upon all property of whatever kind, except as may be exempt under the Constitution, but also for their certain collection. Adequate machinery should be devised by which to compel the unwilling as well as the willing to contribute in proportion to the value of his estate for the support of the government, or the imposition of the tax will be nugatory. In this respect existing laws are particularly defective, and it can be said without exaggeration that there are millions of dollars in money and in property in the State that escape taxation altogether. Much of that which is rendered is listed far below its true value. This condition, which no one can successfully controvert, should appeal with convincing force to the legislative conscience not merely because of the constitutional requirement, but also because every citizen should be as scrupulously honest in the performance of his public duties as in the discharge of his private obligations. Either is as binding upon the man of honor and integrity as the other. No one ought to enjoy the protection of government without contributing to an equitable extent towards its support, nor should any one be willing that his neighbor should be unduly burdened for the maintenance of the public service through his own failure to do that which good conscience and the law requires. Nothing is so painful or so patent as inequality in the enforcement of the law, and any administration that may be responsible for such delinquency is not entitled to the confidence of a free people. Direct and open class legislation is obnoxious to every principle of good government, and yet it is no more harmful or unjust than the failure to execute the law without favor or partiality. Every citizen and the property of every citizen should stand equal before the law and in the performance of all duties imposed. The law should not, directly or indirectly, be the respecter of persons or of property. It is recommended that this great question, whose proper solution would be of incalculable value to the entire citizenship, be taken into consideration by the Legislature, and that an earnest effort be made to so reform the tax laws that they may bear equally and alike upon all and be capable of certain enforcement against every

one. If this be accomplished the present ad valorem rate of taxation can be reduced without detriment to the public service.

A report as to the expenditure of the appropriations made for the office of the executive is submitted in the appendix hereto.

JOSEPH D. SAYERS,  
Governor.

#### APPENDIX.

Statement of money paid from funds subject to the Governor's order from January 17, 1899, to and including January 8, 1901, vouchers for which were filed in the office of the Comptroller of Public Accounts when warrants\* therefor were issued:

For salary of Governor.....	\$8,000 00
For salary of Secretary.....	3,400 00
For salary of stenographer....	2,100 00
For salary of porter.....	720 00
For salary of Revenue Agent..	3,777 51
For expenses of Revenue Agent	970 05
For payment of rewards, etc., including rewards offered by former governors .....	17,182 93
For books and stationery.....	530 05
For freight, postage, etc.....	1,006 78
For ice .....	41 40
For office furniture .....	208 75
For contingent expenses .....	232 84
For furniture and repairs Gov- ernor's Mansion .....	2,894 64
For fuel and lights, Mansion..	889 32
For gardener, labor, etc., Man- sion .....	1,093 24
For salary of Pardon Advisers.	4,684 00
For water and ice, Mansion....	419 76

\*Some of the items of indebtedness involved in the above payments accrued prior to January 17, 1899, but were not presented for approval and payment until after that date.

#### BILLS AND RESOLUTIONS.

By Senator Miller:

Senate bill No. 1, A bill to be entitled "An Act to amend Sections 1 and 14, of Chapter 164, of the Acts of the Twenty-fifth Legislature, relating to a uniform system of text-books, adding thereto additional branches of study and making the same apply to cities of more than 10,000 inhabitants."

Read first time, and referred to Committee on Education.

By Senator Potter:

Senate bill No. 2, A bill to be entitled

"An Act to amend Section 1, of Chapter 152, of the Twenty-sixth Legislature, sent to the Governor for approval on the 27th day of May, 1899, amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the stock law."

Read first time, and referred to Committee on Stock and Stock-raising.

By Senator Potter:

Senate bill No. 3, A bill to be entitled "An Act to prohibit the issuance of free passes, free tickets, or other means for the carrying of passengers by railway or other transportation lines in this State free or at a less than established rate."

Read first time, and referred to Committee on Internal Improvements.

By Senator Potter:

Senate bill No. 4, A bill to be entitled "An Act to amend Articles 149 and 150, of the Criminal Code of the State of Texas, making it a violation of the law to pay or offer to pay money, or other thing of value, to any person, organization or association for their vote, aid or influence in any election, and providing punishment for both those offering and those receiving such money or other thing of value."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stpales:

Senate bill No. 5, A bill to be entitled "An Act to provide for the redemption of real estate sold for debt."

Read first time, and referred to Judiciary Committee No. 1.

(Lieutenant-Governor Browning in the chair.)

By Senator Davidson of DeWitt:

Resolved, That the Secretary of the Senate be allowed postage for the session not to exceed in amount the sum of \$2.50 per month.

Adopted.

By Senator Sebastian:

Senate Joint Resolution No. 1, A joint resolution by the Legislature to amend the Constitution of the State of Texas by adding Article 12a thereto, defining and regulating franchises and insolvent corporations; defining and prohibiting the use of corporate funds in politics; defining and prohibiting free passes over railways; and prescribing the procedure and remedies to give force and effect thereto.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Goss:

Senate Joint Resolution No. 2, A joint resolution providing for a convention to

frame a Constitution for the State of Texas.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Turner:

Senate bill No. 6, A bill to be entitled "An Act to amend Article 966, of Chapter 2, Title VIII, of the Penal Code of the State of Texas, relating to threats, etc."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Miller:

Senate bill No. 7, A bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust, or other lien, and to provide for the sale of land under execution, and for the appraisal of land sold under mortgage, deed of trust, execution, or other lien."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Miller:

Senate bill No. 8, A bill to be entitled "An Act to amend Article 650, Title VIII, of the Code of Criminal Procedure of the State of Texas, relating to the summoning of jurors in special venire cases."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Harris of Bexar:

Senate bill No. 9, A bill to be entitled "An Act to amend Subdivision 56, of Article 642, of Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas.'"

Read first time, and referred to Judiciary Committee No. 2.

By Senators Hanger, Swann and Wayland:

Senate bill No. 10, A bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate, as a part of its line, the railroad of the Calvert, Waco & Brazos Valley Railway Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Calvert, Waco & Brazos Valley Railroad Company to sell said railroad, together with all the franchises and property incident or appertaining thereto, to the International & Great Northern Railroad Company; and to authorize the International & Great Northern Railroad Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by rail-

road companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company, between the termini of the latter company, as defined in the charter and amendments thereto, and to construct, and operate as part of its line extensions and branches thereof under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in the pursuance of general laws of the State of Texas; to regulate reports of the property to be purchased from said Calvert, Waco & Brazos Valley Railroad Company and the operation thereof as the purchase thereof by said International & Great Northern Railroad Company; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

Read first time, and referred to Committee on Internal Improvements.

By Senator Hanger:

Senate bill No. 11, A bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, town and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method therefor; to issue stock and bonds, and to borrow money and to mortgage its franchise and property."

Read first time, and referred to Committee on Internal Improvements.

By Senator Miller:

Senate bill No. 12, A bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harris of Bexar:

Senate bill No. 13, A bill to be entitled "An Act to define the character and quality of possession of real property which is sufficient to operate as constructive notice of the possessor's right or title thereto."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Miller:

Senate bill No. 14, A bill to be entitled "An Act to amend Title III, Chapter 1, of the Criminal Code of the State of Texas, by adding Articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing Chapters 2, 3 and 4 of said title, to make accomplices and accessories principal offenders."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Davidson of Galveston:

Senate bill No. 15, A bill to be entitled "An Act to provide for the selection or appointment of special county judges in condemnation proceedings, as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of Galveston:

Senate bill No. 16, A bill to be entitled "An Act to amend Article 4445 of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire right of way for the purpose of shortening the line or reducing the grades, and to acquire land for the reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes of the State of Texas shall apply only to real estate acquired for right of way; and to provide that real estate, or any interest therein, that may be acquired for any purpose other than right of way need not adjoin or abut on the right of way."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of DeWitt:

Senate Joint Resolution No. 3, "A joint resolution to amend Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax, and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax."

Read first time, and referred to Committee on Constitutional Amendments.

Senators Paulus and Swann offered the following resolution:

Whereas, It is apparent to the Senate that the present number of porters, judging from past experience, will be wholly unable to perform all the work necessary to be done by the porters.

Resolved, That there be employed two more porters—W. W. Scott, of Lavaca county, and Robert Sloan, of McLennan county—at a salary of \$2.00 each per day.

On motion of Senator Savage, the resolution was laid on the table subject to call.

On motion of Senator Wayland, the Senate adjourned until 3 p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Present—26.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Absent—4.

Davidson of	Odell.
Galveston.	Patterson.
Johnson.	

Absent—Excused.

Dibrell.

#### COMMUNICATION FROM THE GOVERNOR.

*To the Honorable, the Lieutenant-Governor:*

I have to respectfully request that you will cause to be read to the Senate the accompanying communication, which is a copy of the original on file in my office.

JOSEPH D. SAYERS,  
Governor.

EL PASO, TEX., December 21, 1900.

*Hon. Jos. D. Sayers, Governor of Texas,  
Austin, Texas.*

SIR: On behalf of the Chamber of

Commerce and citizens of El Paso, and pursuant to a resolution adopted by the Board of Directors of the Chamber of Commerce, I have the honor to extend to you, and through you to the State officials and Legislature, a cordial invitation to visit this city during our Mid-winter Carnival to be held here January 17, 18 and 19, 1901.

In this connection I beg to say that the Carnival week will be made the occasion for a general gathering and conference of men who are interested in the development of the industrial resources of the Southwest, especially the mineral resources. A call has been issued for a meeting of mining men at El Paso January 16, 1901, with a view to the organization of a mining association to represent the district in which El Paso is the natural market and supply point.

We believe that in addition to the entertainment afforded for those who may be pleased to visit our city at that time, substantial results may be secured by a general interchange of views on the part of prominent officials and citizens of the southwestern United States and northwestern Mexico.

Earnestly hoping that you may honor us with your presence and counsel on the occasion referred to, I beg to remain,

Yours respectfully,

[Signed] S. J. FRUDENTHALL,  
President El Paso Chamber of Commerce.

ERNEST E. RUSSELL,  
Secretary.

#### BILLS AND RESOLUTIONS.

By Senator Lipscomb:

Senate bill No. 17, A bill to be entitled "An Act to establish and maintain a four-year college course of classical and scientific studies at the Prairie View State Normal and Industrial College at Prairie View, Waller county, Texas."

Read first time, and referred to Committee on Education.

By Senator Wilson:

Senate bill No. 18, A bill to be entitled "An Act appropriating one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-seventh Legislature."

Read first time, and referred to Committee on Finance.

By Senator Wilson:

Senate bill No. 19, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the Twenty-seventh Legislature."

Read first time, and referred to Committee on Finance.

By Senator Turner:

Senate bill No. 20, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District, transferring the county of Duval from the Forty-ninth to the Twenty-eighth Judicial District, and fixing the times of holding the terms of the district court therein."

Read first time, and referred to Committee on Judicial Districts.

By Senator Sebastian:

Senate bill No. 21, A bill to be entitled "An Act to amend Article 593, Title XV, Chapter 1, Penal Code of the State of Texas, and by adding thereto Subdivisions 7 and 8, and to repeal a portion of Article 595, Title XV, of the Penal Code."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Paulus:

Senate bill No. 22, A bill to be entitled "An Act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Sebastian and Harris of Bexar:

Senate Concurrent Resolution No. 1:

Resolved by the Senate, the House of Representatives concurring, that the Hon. David B. Hill, of New York, be invited to address the Legislature of the State of Texas upon the political issues of the day at as early date during the present session as may be designated by him for that purpose, and that the President of the Senate and Speaker of the House of Representatives, in their behalf, forward to the gentleman named a copy of this resolution.

Pending action on the above, Senator Goss moved to table the resolution subject to call.

Lost.

The resolution was read the second time, and adopted.

By Senator McGee:

Senate Concurrent Resolution No. 2:

Resolved by the Senate, the House of Representatives concurring, that a committee of three Senators be appointed by the President of the Senate to act on the part of the Senate with a like committee on the part of the House to arrange for counting the vote for Governor and Lieutenant-Governor, and for the inauguration of said officers.

Resolution read the second time, and adopted.

Senator Hanger offered the following resolution:

Resolved, That the Senate subscribe for five copies for each Senator and the President of the Senate of such daily newspapers as each member may select; provided, such paper contains daily reports of the proceedings of the Legislature, such papers to cost not more than three cents per copy.

Senator McGee offered the following amendment:

"Amend by striking out 'five' and inserting 'two' instead."

Senator Hanger moved to table the amendment.

Carried by the following vote:

Yeas—16.

Beaty.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
Lipscomb.	Wayland.
Miller.	Wilson.
Paulus.	Yett.

Nays—9.

Davidson of	Neal.
DeWitt.	Potter.
James.	Savage.
Lloyd.	Turney.
McGee.	Wheeler.

Absent.

Davidson of	Johnson.
Galveston.	Odell.
Grinnan.	Patterson.

Absent—Excused.

Dibrell.

Senator Savage offered the following amendment:

"Amend by striking out 'five copies' and inserting 'three copies.'"

Senator Hanger moved to table the amendment.

Carried by the following vote:

Yeas—16.

Beaty.	Paulus.
Davidson of	Sebastian.
DeWitt.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
Lipscomb.	Wayland.
Miller.	Wilson.
Neal.	

Nays—9.

Goss.	Savage.
James.	Turney.
Lloyd.	Wheeler.
McGee.	Yett.
Potter.	

Absent.

Davidson of	Johnson.
Galveston.	Odell.
Grinnan.	Patterson.

Absent—Excused.

Dibrell.

The resolution was read the second time, and adopted.

On motion of Senator Turney, the Senate, at 3:20 o'clock p. m., took a recess until 4 p. m., at which time there being no further business on the President's table,

On motion of Senator Sebastian a further recess was taken until 4:15 o'clock p. m.

## AFTER RECESS.

### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 10, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 20, being a bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District, transferring the county of Duval from the Forty-ninth to the Twenty-eighth Judicial District,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and the further recommendation that it be not printed.

HANGER, Chairman.

Committee Room,

Austin, Texas, January 10, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 2, being a bill to be entitled "An Act to amend Section 1, of Chapter 152, of the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

GOSS, Chairman.

Senator Turner moved to suspend the Senate rule requiring committee reports to lay on the table for one day and take up Senate bill No. 20 (see caption above).

Carried.

On motion of Senator Turner the con-

stitutional rule requiring bills to be read on three several days was suspended and the bill put upon its second reading by the following vote:

## Yeas—24.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Neal.	

## Absent.

Davidson of	Odell.
Galveston.	Patterson.
Johnson.	Yett.
McGee.	

## Absent—Excused.

Dibrell.

Bill read second time and ordered engrossed, and, on motion of Senator Turner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—25.

Beaty.	Neal.
Davidson of	Paulus.
DeWitt.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.

## Absent.

Davidson of	Odell.
Galveston.	Patterson.
Johnson.	Yett.

## Absent—Excused.

Dibrell.

Bill read third time, and passed by the following vote:

## Yeas—25.

Beaty.	Goss.
Davidson of	Grinnan.
DeWitt.	Hanger.

Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
James.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
McGee.	Turner.
Miller.	Turney.
Neal.	Wayland.
Paulus.	Wheeler.
Potter.	Wilson.

## Absent.

Davidson of	Odell.
Galveston.	Patterson.
Johnson.	Yett.

## Absent—Excused.

Dibrell.

Senator Turner moved to reconsider the vote by which the bill was passed and lay that motion on the table.  
Tabled.

Senators Savage, Lloyd, Hanger, Turner, Stafford and Miller offered the following resolution:

Resolved, That the Sergeant-at-Arms is hereby authorized to appoint two additional porters who shall be under the general supervision of the President of the Senate, and shall receive \$2.00 per day as compensation for their services.

Resolution read second time, and adopted by the following vote:

## Yeas—15.

Beaty.	Paulus.
Davidson of	Savage.
DeWitt.	Sebastian.
Hanger.	Stafford.
Lipscomb.	Staples.
Lloyd.	Turner.
Miller.	Wayland.
Neal.	Yett.

## Nays—11.

Goss.	Potter.
Grinnan.	Swann.
Harris of Bexar.	Turney.
Harris of Hunt.	Wheeler.
James.	Wilson.
McGee.	

## Absent.

Davidson of	Odell.
Galveston.	Patterson.
Johnson.	

## Absent—Excused.

Dibrell.

On motion of Senator Turney the Senate adjourned to 10 o'clock a. m tomorrow.